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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,867

Applicant(s)

BRUNK, SCOTT

Examiner

Le Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 6/20/03.
2. Claims 1-23 are pending in this application. Claims 1, 7, 11, 12, 19 and 23 are independent claims and claims 12-23 have been added. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-2, 5-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm et al. ("Chisholm", US 5,883,817).

As per claims 1 and 2, Chisholm teaches a navigational device comprising:

a first input port for receiving a sensor signal from a sensor, the sensor signal being representative of a sensed condition (col. 4, lines 47-49; col. 6, lines 39-41);

a second input port for receiving a location signal, the location signal being representative of a location of the navigational device (col. 4, lines 9-11; col. 5, lines 27-29); and

a display screen including a first display area for displaying information corresponding to the sensed condition (fig. 6; col. 4, lines 47-50; col. 5, lines 54-61; col. 6, lines 30-43; col. 8, lines 41-46; col. 7, lines 25-31; *information corresponding to a sensed condition, from sensors such as 110, is: a) recorded within the virtual model wherein the virtual model is updated to represent the orientation of a structure, and b) displayed in window 608*) and a second display

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area for displaying information corresponding to the location signal (*602/604 of fig. 6; col. 6, lines 57-59*).

Although Chisholm teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas (*fig. 6; comprising of such areas as displayed at the top right/left hand areas of each of the plurality of windows*), Chisholm does not explicitly disclose the areas to be operable to permit a viewer to selectively adjust a size of the first and second display areas to change the relative portion of the display screen that is occupied by the first and second display areas to a number of different sizes. Official Notice is given that sizing/resizing windows are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the sizing/resizing windows feature to Chisholm's teaching of windows and their boundaries and areas in order to allow users to customize an area of focus.

As per claim 5, the modified Chisholm teaches a navigational device wherein the location signal includes a GPS signal (Chisholm: *fig. 2; col. 5, lines 27-29*).

As per claim 6, the modified Chisholm teaches a navigational device wherein the information corresponding to the location signal including a GPS map (*fig. 6; col. 7, lines 2-6; GPS map 604*).

Claim 7 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claims 8 and 12 are individually similar in scope to claim 2 and are therefore rejected under similar rationale.

Claim 11 is similar in scope to claim 1 and is therefore rejected under similar rationale.

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Claim 13 is similar in scope to the combination of claims 2 and 8 and is therefore rejected under similar rationale.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm et al. ("Chisholm", US 5,883,817) in view of Gudbjornsson (US 6,163,503).

As per claim 3, the modified Chisholm teaches a navigational device with various sensors (col. 3, lines 40-50) the sensed condition including depth of a body of water (Chisholm: col. 4, lines 47-50; col. 5, lines 27-31; col. 6, lines 39-41). Chisholm does not explicitly teach the sensors to be of the form of sonic transducers. Gudbjornsson teaches a navigational device wherein the sensor includes a sonic transducer. Therefore, it would have been obvious to an artisan at the time of the invention to include Gudbjornsson's teaching of sonic transducers to Chisholm's teaching of sensors in order to provide users with an implementation preference.

Claim 9 is similar in scope to claim 3 and is therefore rejected under similar rationale.

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm et al. ("Chisholm", US 5,883,817) in view of Gudbjornsson (US 6,163,503) and further in view of Robinson et al. ("Robinson", US 6,381,538).

As per claim 4, the modified Chisholm teaches a device wherein a sensed condition includes depth of a body of water (Chisholm: col. 4, lines 47-50; col. 5, lines 27-31; col. 6, lines 39-41). Chisholm does not explicitly disclose the depth to be displayed. Robinson teaches a device wherein the sensed condition includes displaying the depth of a body of water (col. 16, lines 21-47). Therefore, it would have been obvious to an artisan at the time of the invention to include the teachings of Robinson's method of displaying such information as depth of a body of

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water to Chisholm's device comprising a sensed condition that includes depth of a body of water in order to provide users with additional visual information.

Claim 10 is similar in scope to claim 4 and is rejected under similar rationale with the exception of the enlarged depth display feature, which Robinson teaches (figs. 6-8; col. 13, lines 1-2).

7. Claims 14-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm et al. ("Chisholm", US 5,883,817) in view of Argiolas (US 5,956,032).

As per claims 14-16, although the modified Chisholm teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas (fig. 6), Chisholm does not explicitly disclose each display area is constrained as to the relative portion of the display screen that it may occupy according to a left adjustment limit and a right adjustment limit. Argiolas teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas and wherein each display area is constrained as to the relative portion of the display screen that it may occupy according to a left adjustment limit and a right adjustment limit (col. 4, lines 1-6). Therefore, it would have been obvious to an artisan at the time of the invention to include Argiolas' method of constraining the boundaries and areas of a window to include a left and right adjustment limit to the modified Chisholm's teaching of a display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas in order to allow users greater control of the appearance of the window(s) and the area of focus on their screen.

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Furthermore, the modified Chisholm teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas wherein the first display area as well as the second display area may occupy between twenty-five and fifty percent of the display screen (Argiolas: col. 1, lines 47-53; col. 2, lines 25-54; *there would be an instance where this limitation, producing a display of 25%-50%, is met*).

As per claim 17, the modified Chisholm teaches a navigational device wherein the computing device is further operable to check input received from the viewer against the adjustment limits and generates an error signal when one of the adjustment limits has been exceeded (Argiolas: col. 2, lines 55-58).

Claim 19 is similar in scope to the combination of claims 3 and 15 and is therefore rejected under similar rationale, except for the limitation that a second display area is operable to occupy that portion of the display area not occupied by the first display area and display a GPS map corresponding to the GPS signal, which the modified Chisholm also teaches (Argiolas: col. 1, lines 47-53; col. 2, lines 25-54; Chisholm: fig. 2; col. 5, lines 27-29; fig. 6; col. 7, lines 2-6; *GPS map 604*).

As per claim 20, the modified Chisholm teaches a navigational device wherein the computing device being operable to permit the viewer to smoothly adjust the size of the first and second display areas to a number of different sizes (Argiolas: col. 1, lines 47-53).

Claim 21 is similar in scope to claim 17 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 18 and is therefore rejected under similar rationale.

8. Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm et al. ("Chisholm", US 5,883,817) in view of Argiolas (US 5,956,032).

As per claim 18, although the modified Chisholm teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas, the navigational device being operable to permit the viewer to smoothly size/resize the display areas (Chisholm: fig. 6 *wherein sizing/resizing windows are well known in the art areas in order to allow users to customize an area of focus*), Chisholm does not explicitly disclose sizing/resizing each display area is only limited by the size and resolution of the display screen. Argiolas teaches a computing device coupled with the display screen wherein the screen is divided into several windows, each of which has its own boundaries and areas and areas, the computing device being operable to permit the viewer to smoothly size/resize the display areas wherein sizing and resizing each display area is only limited by the size and resolution of the display screen (col. 2, lines 29-30). Therefore, it would have been obvious to an artisan at the time of the invention to include Argiolas' method wherein sizing and resizing each display area is only limited by the size and resolution of the display screen to the modified Chisholm's teaching of a computing device being operable to permit the viewer to smoothly size/resize the display areas in order to allow users greater control of the appearance of the window(s) and the area of focus on their screen.

Claim 23 is similar in scope to the combination of claims 17 and 18 and is therefore rejected under similar rationale.

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Response to Arguments

9. Applicants' arguments in Amendment A have been fully considered but they are not persuasive.

Applicant argued the following:

A navigational device and a personal computer and its operating system are nonanalogous art.

The Examiner disagrees for the following reason:

In response to applicant's argument that Applicant's navigational device and a personal computer and its operating system are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Applicant's navigational device and a personal computer are computing devices and both have similar components such as a CPU, memory, etc., and both are therefore, very analogous art.

Conclusion

10. Applicant's amendment necessitated the new grounds) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event. However, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
September 8, 2003

Kristine Kincaid
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